

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

MAR 2 2005

PATRICK FISHER
Clerk

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

GREAT PLAINS COCA-COLA
BOTTLING COMPANY,

Defendant - Appellee,

MARIA SCOTZIN; KENDRA
WHITNEY; LORI CRAWFORD;
ROBYN GILLILAND; MARISSA
SOCKWELL; BRIDGETT GREENE;

Intervenors,

STEVA BOWERS,

Applicant in Intervention -
Appellant.

No. 04-6001
(D.C. No. 03-CV-1347-F)
(W.D. Okla.)

ORDER AND JUDGMENT *

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Before **LUCERO** , **McKAY** , and **ANDERSON** , Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Steva Bowers appeals the district court's order denying her motion to intervene in a Title VII action against Great Plains Coca-Cola Bottling Company. The district court denied Ms. Bowers' motion because it determined that her claims were barred by the applicable statute of limitations. Ms. Bowers argues that the district court erred because the Oklahoma Savings Statute is applicable to claims brought under Title VII. Alternatively, Ms. Bowers asserts that the district court erred by not equitably tolling her claims. We review de novo the district court's legal determination that the Oklahoma Savings Statute is not applicable to Title VII claims. *See City of Wichita v. United States Gypsum Co.* , 72 F.3d 1491, 1495 (10th Cir. 1996). We review for abuse of discretion the district court's decision that Ms. Bowers' claims should not be equitably tolled. *Garrett v. Fleming* , 362 F.3d 692, 695 (10th Cir. 2004).

Having reviewed the briefs, the record and the applicable law, we conclude that the district court correctly decided this case. We therefore AFFIRM the

judgment for substantially the same reasons stated by the district court in its
Order filed November 14, 2003.

Entered for the Court

Stephen H. Anderson
Circuit Judge